

### **REMARKS/ARGUMENTS**

These remarks are submitted in response to the Office Action dated April 16, 2008 (hereinafter Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Office is expressly authorized to charge any deficiencies or credit any overpayments to Deposit Account 50-0951.

#### **Claim Rejections – 35 USC § 112**

Claims 9-18 and 20 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. More specifically, it was asserted that the phrase "the wireless device" in line 19 of Claim 9 is indefinite because there are three different "wireless devices" and it is unclear which "wireless device" is being referred to by the phrase. Claim 13 was similarly rejected.

Claims 9 and 13 have been amended to maintain consistency of the use of the phrase "the wireless device."

In view of the above, Applicants respectfully request that the claim rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

#### **Claims Rejections – 35 USC § 103**

Claims 1-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,732,176 to Stewart, *et al.* (hereinafter Stewart '176), in view of U.S. Patent Application Publication No. 2003/0096633 to Goldberg (hereinafter Goldberg), and further in view of U.S. Patent No. 6,954,735 to Yoza, *et al.* (hereinafter Yoza). Claims 1, 5, 9, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,571,221 to Stewart (hereinafter Stewart '221), in view of Goldberg, and further in view of Yoza.

Although Applicants respectfully disagree with the rejections, Applicants have amended the claims so as to expedite prosecution of the present application. However,

such amendments should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

Applicants have amended independent Claims 1, 5, 9, and 13 to further emphasize certain aspects of the invention. As discussed herein, the claim amendments are fully supported throughout the Specification. No new matter has been introduced by the claim amendments.

### *Aspects of Applicants' Invention*

It may be helpful to reiterate certain aspects of Applicants' invention prior to addressing the cited references. One embodiment of the invention, as typified by amended Claim 1, is a method for delivering an Application Service Provider (ASP) service to a wireless device in a personal area network (PAN).

The method can include providing an ASP delivery system connected to a computer communications network over a physical communications link and connected to the PAN via a short-range radio frequency communications link. The system is configured to deliver components of ASP services over the short-range radio communications link to the wireless device in the PAN. The ASP delivery system is also configured to store some components of ASP services locally and to retrieve at least a portion of the components of the ASP services from ASPs in the computer communications network over the physical communications link when necessary. The components of the ASP services comprise a plurality of different software programs from among which a user of the wireless device selects and interacts with via the short-range radio communications link.

The method also can include detecting a presence of the wireless device in the PAN by the ASP delivery system; establishing a short-range radio communications link with the wireless device in the PAN and verifying subscription of or offering subscription

to the wireless device; transmitting to the wireless device over the established short-range radio communications link a list of ASP services available in the ASP delivery system or retrievable from ASPs in the computer communications network; receiving from the wireless device requests for at least one of the ASP services selected from the list of ASP services; for each component of the selected ASP services, determining if the ASP delivery system can immediately deliver the component without requiring retrieval of the component from ASPs and immediately delivering the component to the wireless device if retrieval of the component is not required; and, if the ASP delivery system cannot deliver the component without requiring retrieval of the component from ASPs, retrieving the component for the at least one ASP service from one of the ASPs over the physical communications link.

See, e.g., Specification, page 13, line 22 to page 15, line 2.

**The Claims Define Over The Prior Art**

Stewart '176 discloses a system and method for providing access and/or roaming features on a network system. The network system includes a plurality of wireless and/or wired access points coupled to a network. A portable computing device (PCD) of a user may store identification information which uniquely indicates a network provider of a plurality of possible network providers. The identification information may also, or alternatively, indicate an access or privilege level of the user. When the access point receives the identification information from a PCD of a user, the access point may determine the appropriate network provider for the portable computing device using the identification information. Network access may then be provided to the portable computing device through the determined network provider.

Stewart '176, however, does not disclose a method and system using an Application Service Provider (ASP) service delivery system for delivering ASP services to a wireless device in a personal area network (PAN) via a short-range radio frequency communications link as recited in independent Claims 1, 5, 9, and 13. As would be

understood by a person skilled in the art, the wireless access points as disclosed in Stewart '176 do not concern PANs and short-range radio frequency communications links in the sense of the present invention. Rather, the wireless access points (APs or WAPs) are specially configured nodes on wireless local area networks (WLANs), which support Wi-Fi wireless communication standards, not IEEE 802.11a, IEEE 802.11b or BLUETOOTH standards for PAN. The Examiner has equated a LAN with a PAN. However, as already discussed above, a wireless LAN and a PAN use completely different standards and thus are totally different network systems and cannot be compared with one another.

Stewart '221 discloses a network communication service with an improved subscriber model using digital certificates. Similarly to Stewart '176, the access points as disclosed in Stewart '221 do not concern PANs and short-range radio frequency communications links in the sense of the present invention. Therefore, Stewart '221 also does not disclose a method and system using an Application Service Provider (ASP) service delivery system for delivering ASP services to a wireless device in a personal area network (PAN) via a short-range radio frequency communications link as recited in independent Claims 1, 5, 9, and 13.

Goldberg discloses a method and apparatus for enabling a desired human/machine interface including providing the desired human/machine interface by an initiating device, if it is capable. Yoza discloses a method and apparatus for using a known address to gain access to a service provider having an unknown address. However, neither Goldberg nor Yoza discloses delivering ASP services to a wireless device in a personal area network (PAN) via a short-range radio frequency communications link.

Since none of the cited references discloses the concept of delivering ASP services to a wireless device in a personal area network (PAN) via a short-range radio frequency communications link according to the present invention, the cited references also do not disclose the specific method steps or system components for carrying out the concept, as recited in independent Claims 1, 5, 9, and 13.

Accordingly, the cited references, alone or in combination, fail to disclose or suggest each and every element of Claims 1, 5, 9, and 13, as amended. Applicants therefore respectfully submit that amended Claims 1, 5, 9, and 13 define over the prior art. Furthermore, as each of the remaining claims depends from Claim 1, 5, 9, or 13 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

#### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: June 16, 2008

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